

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: David A Jerri

Chapter: 13

Bankruptcy No.: 20-11263-amc

Debtor

11 U.S.C. § 362

Wilmington Savings Fund Society, FSB, d/b/a
Christiana Trust, not individually but as trustee for
Premium Mortgage Acquisition Trust

Movant

vs.

David A Jerri

Debtor

and

William C. Miller, Esq.

Trustee

RESPONDENTS

**STIPULATION IN SETTLEMENT OF MOVANT'S MOTION
FOR RELIEF FROM THE AUTOMATIC STAY**

It is hereby stipulated by and among Movant, Debtor and the Trustee as follows:

1. As of the date of this Order, David A Jerri ("Debtor") acknowledge that Debtor is due for the following post-petition regular monthly payments from October 1, 2020 to January 1, 2021, as follows:

Payments (October 1, 2020 @ 1,670.05 – January 1, 2021 @ 1,670.05)	\$6,680.20
Motion for Relief Filing Fee	\$181.00
Motion for Relief Attorney's Fees	\$850.00
Suspense Balance	(\$1,558.00)
Total Post-Petition Delinquency:	\$6,153.20

2. Debtor shall cure the Arrears as set forth above by filing an Amended Chapter 13 plan on or before January 29, 2021, to incorporate the post-petition arrearage listed in paragraph 1.

3. Debtor shall resume regular post-petition monthly mortgage payments beginning with the February 1, 2021 payment.

4. Payments due in accordance with this Consent Order/Stipulation shall be due on or before the 1st of each month.

5. Debtor shall make the regular monthly payments required to the Trustee.

6. All payments due to the Creditor from the Debtor are to be made directly to Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust at c/o Selene Finance, 9990 Richmond Avenue, Suite 400 South, Houston, TX 77042 and making sure that the loan number appears on all payments.

7. In the event Debtor fail(s) to make any of the above-described payments (or real estate taxes and/or hazard insurance when due) on or before their due dates, and/or Counsel may give Debtor and Debtor' counsel notice of the default and if such default is not cured within ten (10) days of said notice, upon certification to the court of such default, and request for Order, with a copy to Debtor and Debtor' counsel, shall immediately have relief from the bankruptcy stay, per the form of attached Order which is made part hereof as Exhibit "A". Debtor shall pay \$75.00 for each Notice of Default issued by Creditor as a result of the Debtor' failure to make payments in accordance with this Order.¹

8. The failure by the Creditor, at any time, to file a Certification of Default upon default by the Debtor shall not be construed, nor shall such failure act, as waiver of any of Creditor's rights hereunder.

1

¹ Debtor shall also be responsible for counsel fees incurred in connection with a Certificate of Default and/or hearing resulting from the Debtor(s)' failure to comply with this Order.

9. Upon issuance of the aforesaid Order, the parties hereto further agree that Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Premium Mortgage Acquisition Trust may proceed in state court to exercise all rights and remedies available to it as a mortgagee and creditor under state and federal law including, but not limited to, the initiation of and continuance of foreclosure and execution process through sheriff's sale concerning the Property and ejectment thereafter.

10. In the event Debtor's(s') convert to a bankruptcy under Chapter 7 of the Bankruptcy Code then Debtor shall pay all pre-Petition arrears and all post-Petition arrears within ten (10) days from the date the case is converted. If Debtor fail(s) to make payment in accordance with this paragraph then the Creditor, through Counsel, may file a certification setting forth said failure and the Creditor shall be granted immediate relief from the automatic stay in the form of Order attached as Exhibit "A".

11. It is further Ordered that in the event the Debtor file(s) another Bankruptcy Petition within 1 year from the date the instant case is dismissed or otherwise terminated then the Automatic Stay (under 11 USC 362(a) and/or 1301) shall only be effective for 30 days from the date of any such filing (within 1 year from the date the instant case is dismissed or otherwise be terminated) and thereafter shall terminate without further Order of Court as to unless specifically extended by Order of this Court.

12. It is further agreed that the 14 day stay provided by Rule 4001(a)(3) is hereby waived.

13. Facsimile signatures shall be as valid as original signatures and this Consent Order/Stipulation may be signed in counterparts.

/s/ Chandra M. Arkema
Chandra M. Arkema, Esquire
Attorney for Movant


Brad J. Sadek, Esquire
Attorney for Debtor

/s/ Jack Miller
William C. Miller, Esq.
Trustee